

# STAFF REPORT

**DATE:** June 27, 2018

**TO:** Board of Adjustment

**FROM:** Zoning Administration  
Planning & Development  
Services Department

**ACTIVITY NO. T18SA00217**

**C10-18-06 EVANS RESIDENCE DETACHED ACCESSORY STRUCTURE /  
JANE R EVANS AND GENE JOSEPH / 2945 NORTH FONTANA  
AVENUE, R-2**

The applicants' property is an approximately 1.65 acre site zoned R-2 "Residential" and is developed with a single-family residence and detached accessory structures. The applicants are proposing to place an additional detached accessory structure (caboose) in the area of the property defined as the front yard.

## **THE APPLICANTS' REQUEST TO THE BOARD**

The applicants are requesting the following variances:

- 1) Allow the detached accessory structure (caboose) to be placed in the buildable area between the principal building and the front street lot line; and
- 2) Allow the combined total gross floor area of all accessory structures (200 square feet or larger) to exceed 50% of the combined total gross floor area of the principal structure, all as shown on the submitted plans.

## **APPLICABLE TUCSON ZONING CODE SECTIONS**

Tucson *Unified Development Code (UDC)* sections applicable to this project include, in part, the following:

Section 4.7.9 *Residence Zone (R-2)* and Table 4.8-2 *Permitted Uses – Urban Residential Zones*, which provides the use criteria in the R-2 zone; and

Section 6.6.3 *Specifically Within Residential Zones*, which provides the standards for accessory structures in a residential zone.

## **GENERAL DEVELOPMENT INFORMATION**

### **Zoning and Land Use**

**SITE: ZONED R-2; (single-family residential)**

North: Zoned R-2; (single-family residential)

South: Zoned R-2; (single-family residential)

East: Zoned R-2; (single-family residential)

West: Zoned R-2; (single-family residential)

## **RELATED PLAN REVIEWS**

### **Engineering**

The Engineering Section of Planning and Development Services Department has no objections or adverse comments.

## **RELATED CASE**

### **Board of Adjustment**

Case No. C10-93-121: On November 17, 1993, a variance was granted to allow the detached carport and greenhouse to be located in the area of the property defined as the front yard.

## **BOARD OF ADJUSTMENT FINDINGS**

The Board of Adjustment can hear and decide a variance request from the regulations listed in the Unified Development Code. The Board may grant a variance only if it finds the following:

1. That, because there are special circumstances applicable to the property, strict enforcement of the UDC will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.
2. That such special circumstances were not self-imposed or created by the owner or one in possession of the property.
3. That the variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.
4. That, because of special circumstances applicable to the property, including its size, shape, topography, location, and surroundings, the property cannot reasonably be developed in conformity with the provisions of the UDC.
5. That the granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
6. That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion, or substantially diminish or impair property values within the neighborhood.
7. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the UDC provisions which are in question.

### **ZONING ADMINISTRATION CONSIDERATIONS**

The applicants' property is an approximately 1.65 acre site zoned R-2 "Residential" and is developed with a single-family residence and detached accessory structures. The applicants are proposing to place an additional detached accessory structure (caboose) in the area of the property defined as the front yard. The proposed project triggers compliance with the Tucson *Unified Development Code (UDC)*.

#### **Detached Accessory Structure**

Per *UDC* 6.6.3, detached accessory structures are not permitted in the buildable area extending the full width of the lot between the principal building (residence) and the front street lot line. The applicants are proposing to place a caboose in the front yard area.

Per *UDC* 6.6.3, the total gross floor area (gfa) of all accessory structures shall not exceed 50% of the gfa of the principal structure (residence). The total gfa for all existing and proposed accessory structures that are greater than 200 square feet is 3,615 square feet. The total gfa of the residence is 2,000 square feet. The total gfa of the accessory structures exceed 50% of the gfa of the residence by 130%.

#### **Discussion**

The applicants' property is located in a neighborhood characterized by single and multi-family residential uses on parcels ranging in size from approximately 5,000 square feet to just under two acres. The subject property consists of a single-family residence that was constructed towards the rear of the property leaving a large, heavily vegetated front yard area. There are two shade structures located in the side perimeter yard, and a carport and greenhouse located in the front yard. A variance was granted to allow the existing structures to be located in the front yard. The two shade structures located in the side perimeter yard are in compliance with dimensional standards, and will require permits as well.

The location of the residence and vegetated areas of the property have determined where the caboose can be placed. The structure will be placed on top of railroad ties in compliance with height and setback standards. The proposed location is in an area where the least amount of mature vegetation will be disturbed. The views onto the property from Fontana Avenue are screened by mature trees and shrubs.

The project has triggered the requirement to consider the gfa of all accessory structures when verifying compliance with the gfa ratio of accessory structures to the principal structure. The gfa of the existing permitted accessory structures alone exceed 50% of the gfa of the residence. Given that the neighborhood is a mix of different developments, it is not uncommon to see properties with several accessory structures in addition to the principal building. The existing accessory structures all serve a purpose which is to protect plants and store personal vehicles. The proposed 259 square foot caboose, which is smaller compared to the other structures, will be used for storage and is the only structure on the property identified for that purpose.

**Conclusion**

Given that there are special circumstances that exist such as the location of the residence and heavily vegetated areas; and that the granting of the variances will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood given the property is screened by mature trees and shrubs; and is the minimum necessary to afford relief, staff can support the applicants' requested variances.

**NEIGHBORHOOD CONTACT (BY APPLICANTS)**

See the attached neighborhood notifications dated April 9 and May 17, 2018, and the meeting sign-in sheet dated April 21, 2018.

**PLANNING & DEVELOPMENT SERVICES RECOMMENDATION**

PDSD staff has no objection to the applicants' requested variances subject to the following condition:

- A. The owner shall obtain permits for the two detached shade structures located in the side perimeter yard.

It is the opinion of staff that granting of the variances will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located, will not be detrimental to public welfare or injurious to other property or improvements, and will not substantially diminish or impair property values within the neighborhood.

Mark Castro, Lead Planner  
for  
Russlyn Wells, Acting Zoning Administrator

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